

RODERICK HYMON, )  
 )  
 Petitioner, ) 2:09-cv-1124-RLH-LRL  
 )  
 vs. ) **ORDER**  
 )  
 BRIAN WILLIAMS, *et al.*, )  
 )  
 Respondents. )  
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The matter previously came before the court on a motion to dismiss the petition because it contained unexhausted and procedurally defaulted claims. The court found Grounds 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 30, 31, 33, 37, 39, 40, 42 and parts of 43, 44, 45 to be to be procedurally defaulted and dismissed those grounds with prejudice. The court also found grounds 2, 11, 23, 29, 35, and the remainder of grounds 43, 44, and 45 to be unexhausted in state court. *See* Order, dated June 2, 2010 (docket #20).

Petitioner has now filed his Request to Abandon the unexhausted claims. The request shall be granted. Grounds 2, 11, 23, 29, 35, and the ineffective assistance of counsel claims in grounds 43, 44, and 45 of the petition shall be dismissed with prejudice based upon this

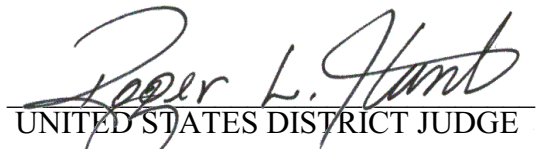
1 abandonment. Respondents shall now file their Answer to the remaining grounds for relief.

2 IT IS THEREFORE **ORDERED** that petitioner's request to abandon the unexhausted  
3 grounds (docket #23) is **GRANTED**. Grounds 2, 11, 23, 29, 35, and the ineffective assistance of  
4 counsel claims in grounds 43, 44, and 45 of the petition are **DISMISSED WITH PREJUDICE**.

5 IT IS FURTHER **ORDERED** that respondents shall have forty-five (45) days from  
6 the date of entry of this Order to file their answer to Grounds 5, 8, 14, 17, 20, 26, 38, and 40.

7 IT IS FURTHER **ORDERED** that petitioner shall have thirty (30) days after the filing  
8 of the answer to reply. The Clerk shall thereafter submit the file for the court's review.

9 Dated this \_\_\_\_4<sup>th</sup>\_\_\_\_ day of August, 2010.

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12 UNITED STATES DISTRICT JUDGE  
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